

### **REMARKS**

In the foregoing amendments, claims 16, 22, 38, and 47 are amended. Claims 16-63 remain pending in the present application.

#### **I. Response to 35 U.S.C. §102 Rejection**

Claims 16-20, 22-29, 32, 33, 35-42, 49-53, 57, 58, 61, and 63 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Rakib et al.* (U.S. Patent No. 6,889,385). Applicants respectfully traverse the rejection on the grounds that *Rakib et al.* fails to disclose each and every element of the claims, as amended. In particular, specific language in the claims is discussed below as being patently distinguishable from the cited reference.

##### **A. Claim 16-26**

Independent claim 16 is reproduced below:

16. A method for enabling a receiver in a digital subscriber network to request services provided by the digital subscriber network, the method comprising the steps of:

*receiving a dynamic network information table at the receiver, the dynamic network information table including one or more device-specific subtables, each device-specific subtable including information associated with transmission characteristics of a device upstream from the receiver; and*

*transmitting a request for a service, the requested service including at least a portion of the information included in the dynamic network information table.*

(Emphasis added)

*Rakib et al.* fails to disclose the above-highlighted features of claim 16. For example, claim 16 includes receiving a dynamic network information table and defines the dynamic network information table as *including one or more device-specific subtables, each device-specific subtable including information associated with transmission characteristics of a device upstream from the receiver*. Clearly, the menu of *Rakib et al.* does not include device-specific subtables having information associated with *transmission characteristics* of an upstream device. Instead, the menu, *arguendo*, is presented to users of video programs, multimedia files, telephony services, wideband

Internet access, or other services. *Rakib et al.* appears to be silent concerning a table including information associated with transmission characteristics of an upstream device.

Furthermore, claim 16 recites transmitting a request for a service, where the requested service includes ***at least a portion of the information included in the dynamic network information table***. Again, *Rakib et al.* fails to disclose such a feature.

For at least these reasons, it is believed that claim 16 is allowable over *Rakib et al.* Also, claims 17-26 are believed to be allowable for at least the reason that these claims depend directly or indirectly from allowable independent claim 16.

**B. Claim 27-34**

Independent claim 27 is reproduced below:

27. A method for providing a receiver in a digital subscriber network with services provided by the digital subscriber network, the method comprising the steps of:

receiving from a receiver a request for a service, ***the request including network information related to at least one characteristic of transport streams transmitted within the digital subscriber network;***

***processing the request for the service using the received network information;***

and

providing the requested service to the receiver.

(Emphasis added)

*Rakib et al.* fails to disclose the above-highlighted features of claim 27. Particularly, claim 27 includes receiving a request for a service, where the request includes ***network information related to at least one characteristic of transport streams transmitted within the digital subscriber network***. *Rakib et al.* fails to teach a service request that includes network information, specifically ***network information related to at least one characteristic of transport streams transmitted within the digital subscriber network***. Furthermore, claim 27 recites the step of ***processing the request for the service using the received network information***. *Rakib et al.* fails to teach network information, as mentioned above, and further fails to process a request using network information, as claimed in claim 27.

For at least these reasons, it is believed that claim 27 is allowable over *Rakib et al.* Claims 28-34 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 27.

**C. Claims 35-48**

Independent claim 35 is reproduced below:

35. An apparatus in a digital network coupled to a first communication link and a second communication link, the apparatus comprising:

an input port adapted to receive a transport stream through a first communication link;

a processor in communication with the input port, *the processor adapted to determine network information related to the received transport stream*; and

a transmitter in communication with the processor, *the transmitter adapted to transmit the network information through the second communication link*.

(Emphasis added)

*Rakib et al.* fails to teach the above-highlighted features of claim 35. For instance, claim 35 includes a processor that is *adapted to determine network information related to a received transport stream*. *Rakib et al.* fails to teach a device that is adapted to *determine network information* as claimed. *Rakib et al.* appears to be silent regarding the aspect of information about the network, and more particularly determining network information. *Rakib et al.* also fails to disclose a transmitter that is *adapted to transmit this network information through a second communication link*. Not only does claim 35 include a device that can determine network information, but it further includes a transmitter adapted to transmit this network information. *Rakib et al.* fails to disclose these features of claim 35.

For at least these reasons, it is believed that claim 35 is allowable over *Rakib et al.* Also, claims 36-48 are believed to be allowable for at least the reason that they depend directly or indirectly from claim 35.

**D. Claims 49-63**

Independent claim 49 is reproduced below:

49. A method for propagating network information in a digital broadband delivery system, the method comprising:

receiving in a first device a transport stream from an upstream device, ***the transport stream including network information related to at least one characteristic of transport streams transmitted within the digital broadband delivery system;***

inserting the network information in a packet of the transport stream; and

transmitting the transport stream to a downstream device.

*Rakib et al.* fails to disclose the above-highlighted features of claim 49. Particularly, claim 49 includes receiving a transport stream, where the transport stream includes ***network information related to at least one characteristic of transport streams transmitted within the digital broadband delivery system.*** *Rakib et al.* fails to teach a service request that includes network information, specifically ***network information related to at least one characteristic of transport streams transmitted within the digital broadband delivery system.*** Furthermore, claim 49 recites inserting the network information in a packet of the transport stream and transmitting the transport stream. *Rakib et al.* fails to teach network information, as mentioned above, and further fails to insert network information in a packet for transmission, as claimed.

For at least these reasons, it is believed that claim 49 is allowable over *Rakib et al.* Also, claims 50-63 are believed to be allowable for at least the reason that they depend directly or indirectly from claim 49.

## **II. Response to 35 U.S.C. §103 Rejection**

Claims 21, 30, 31, 34, and 54 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Rakib et al.* in view of *Addington* (U.S. Patent No. 6,928,656). Claims 43-47, 59, 60, and 62 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Rakib et al.* in view of *Nabakht et al.* (U.S. Patent No. 6,813,639). Claims 48 and 56 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable

over *Rakib et al.* in view of *Nakamura et al.* (U.S. Patent No. 5,913,039). Also, claim 55 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Rakib et al.* in view of *Pecus et al.* (U.S. Patent No. 6,886,029). Applicant respectfully traverses these rejections for the following reasons. In particular, specific language in the claims is discussed below as being patentably distinct from the cited references.

As discussed above, *Rakib et al.* fails to disclose independent claims 16, 27, 35, and 49. Moreover, *Addington*, *Nobakht et al.*, *Nakamura et al.*, and *Pecus et al.* fail to overcome the above-noted deficiencies of *Rakib et al.* Applicants therefore contend that the claims are patentable over the cited combination of references.

With respect to claim 16, *Addington* fails to teach or suggest, in a method for enabling a receiver in a digital subscriber network to request services provided by the digital subscriber network, ***receiving a dynamic network information table at the receiver, the dynamic network information table including one or more device-specific subtables, each device-specific subtable including information associated with transmission characteristics of a device upstream from the receiver***, as claimed. Instead, *Addington* appears to teach, *arguendo*, the transport of IP data, but fails to teach or suggest a dynamic network information table that includes a device-specific subtable from an upstream device. Also, *Addington* fails to teach or suggest a service request that includes ***at least a portion of the information included in the dynamic network information table***.

With respect to claim 35, *Nobakht et al.* and *Nakamura et al.* fails to teach or suggest a processor adapted to determine ***network information related to the received transport stream***. Also *Nobakht et al.* and *Nakamura et al.* fails to teach a transmitter adapted to transmit the network information. Instead, *Nobakht et al.* appears to teach a channel-based Internet access network that allows connection to an Internet site without typing the Internet address URL and *Nakamura et al.* appears to teach transmission schedule tables and reproduction schedule tables. These references, however, fail to overcome the deficiencies of *Rakib et al.* as mentioned above.

With respect to claim 49, *Addington*, *Nobakht et al.*, *Nakamura et al.*, and *Pecus et al.*, alone or in combination, fail to teach or suggest receiving a transport stream, where the transport stream includes ***network information related to at least one characteristic***

*of transport streams transmitted within the digital broadband delivery system.* The combination of references also fails to teach a service request that includes network information, specifically *network information related to at least one characteristic of transport streams transmitted within the digital broadband delivery system.* Therefore, Applicants assert that the references fail to overcome the deficiencies of *Rakib et al.* as mentioned above.

### **III. Alleged Well-Known Art**

The Office Action states that it would have been well known in the art that if a user selects an interest group from a table that is presented, then a device would have to respond to a request and provide the interest group of channels to the user in another transport stream. Applicants traverse this statement because the statement is not capable of instant and unquestionable demonstration as being well known and does not include specific factual findings predicated on sound technical and scientific reasoning. Basis for such reasoning must be set forth explicitly. Also, in context of the claims, the subject matter alleged to be well known is too complex for a reasonably skilled person to consider it to be well known to such a point that no additional evidence is needed.

**CONCLUSION**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 16-63 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,

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